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KANSAS STATE
Board of Pharmacy

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### BEFORE THE KANSAS BOARD OF PHARMACY

In The Matter Of	) Ca	se No. 06-93
ROBERT C. SIMS, R. Ph.	)	
Application	)	
Application	3	

## **FINAL AGENCY ORDER**

On June 12, 2007, the Kansas Board of Pharmacy (the "Board") held a hearing on the Application of Robert C. Sims ("Sims") for reinstatement of his license to practice pharmacy in the State of Kansas. Sims appeared in person. Randall J. Forbes of Frieden & Forbes acted as the Board's Disciplinary Counsel. After considering the evidence admitted at the hearing, the Board enters the following final agency order.

## I. FINDING OF FACT

- On June 9, 1988, Sims voluntarily surrendered his license, number 10882, to practice pharmacy in the State of Kansas.
- 2. On August 17, 1989, Sims entered into a Voluntary Stipulation and Agreement, whereby his license to practice pharmacy in the State of Kansas was reinstated on a probationary status for a period of five (5) years on the condition that he remained in the Kansas Impaired Pharmacist Program during the period of probation.
- 3. On September 9, 1991, Sims entered into a Stipulation in Lieu of Formal Hearing, whereby his license was placed on probation for five (5) years on various conditions, including active participation and cooperation in an impaired drug program.

- 4. On February 19, 1992, the Board filed a Petition for the Revocation, Suspension, Probation and Non-Renewal of License against Sims, alleging that he failed to actively participate and cooperate in an impaired drug program.
- 5. On March 20, 1992, the Board entered an Agreed Order, whereby Sims agreed to the indefinite suspension of his license for failure to comply with the conditions of probation as set out in the September 9, 1991 Stipulation in Lieu of Formal Hearing. Sims executed the Agreed Order on March 12, 1992.
- 6. On December 5, 2006, the Board held a hearing on Sims' petition for reinstatement of his license to practice pharmacy. After the hearing, the Board entered a Final Agency Order denying Sims' request for reinstatement and indicating it would not again consider such an application until Sims came into compliance with the Agreed Order dated March 20, 2002.
- 7. Sims has come into compliance with the Agreed Order dated March 20, 2002 and presented evidence of rehabilitation.

## II. CONCLUSIONS OF LAW AND FACT

Sims' application for reinstatement of his license to practice pharmacy in the State of Kansas should be granted contingent upon his providing proof acceptable to the Board of his compliance with certain requirements.

#### III. FINAL ORDER

Based upon the evidence introduced at the hearing held June 12, 2007 and the foregoing findings and conclusions, Sims' application for reinstatement of his license to practice pharmacy in the State of Kansas is hereby granted, subject to the following conditions:

Before the reinstatement of Sims' pharmacy license is effective, he must provide
proof acceptable to the Board that, subsequent to the entry of this order, he took and passed the
NAPLEX and MPJE examinations.

2. If the reinstatement of Sims' pharmacy license becomes effective, he shall, thereafter, within five days of changing employment, advise the Board of the change in writing.

3. If the reinstatement of Sims' pharmacy license becomes effective, he shall remain in compliance with all requirements of the Pharmacy Impaired Provider Program and all requirements placed on him by the Heart of America Professional Network.

#### IV. NOTICES

Within fifteen (15) days after service of this Final Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Final Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
900 Jackson, Room #513
Topeka, KS 66612

IT IS SO ORDERED.

Date

MICHAEL E. COAST, R.Ph.

President

Kansas Board of Pharmacy

# CERTIFICATE OF SERVICE

I hereby certify that I did, on the 2 day of October, 2007, deposit in the United States mail, postage prepaid, a copy of the foregoing FINAL AGENCY ORDER, properly addressed to the following:

Robert C. Sims 2936 Atchison Circle Lawrence, KS 66047

Randall J. Forbes, PA FRIEDEN, HAYNES & FORBES 555 South Kansas Avenue, Suite 303 Topeka, KS 66603

Debra Billingsley

**Executive Director** 

Kansas Board of Pharmacy